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TO **NAME** Michael Lewis
 FIRM Patent & Trademark Office
 FAX NO.: (703) 872-9306 (Central Fax)
 PHONE NO.: (571) 272-7755

PAGES (INCLUDING COVER):

16

ORIGINAL TO FOLLOW IN MAIL:☐ Yes ☒ No

FROM **NAME:** Robert D. Spendlove (Reg. No. 53,629)
 DIRECT DIAL: 703-714-7558

MESSAGE Attached please find the following regarding **U.S. Patent Application No. 09/954,526:**

1. Transmittal Letter (2 pages);
2. Copy of the following documents as filed with the USPTO on September 2, 2004 (12 pages):
 - Supplemental Reply to Final Office Action;
 - Transmittal Letter;
 - Petition Under 37 C.F.R. § 1.183 to Accept Supplemental Declaration Without Inventors' Signatures; and
 - Date-stamped Green Card;
3. Certificate of Transmission (1 page); and
4. Fax Cover Sheet (1 page).

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 703 • 714 • 7500.

OPERATOR**DATE:** December 6, 2004**TIME:****CLIENT/MATTER NAME:****CLIENT/MATTER NO.:** 54525.000055

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54525.000055 FAIRFAX 247002v1

DEC 06 2004

PTO/SB/97 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


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Attorney Docket No. 54525.000055
Application No. 09/954,526

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Officeon December 6, 2004.

Date


Signature:Mara L. Louey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

1. Transmittal Letter (2 pages);
2. Copy of the following documents as filed with the USPTO on September 2, 2004 (12 pages):
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3. Certificate of Transmission (1 page); and
4. Fax Cover Sheet (1 page).

Burden Hour Statement: This form is estimated to take 0.09 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DEC 06 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 09/954,526

Applicant: James F. PITZEN, et al.

Filed: March 5, 2001

Title: A Combination
Rechargeable, Detachable
Battery System and Power
Tool

Art Unit: 1745

Examiner: John S. Maples

Attorney Docket No.: 54525.000055

TRANSMITTAL LETTER

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 2, 2004, Applicants submitted a Petition Under 37 C.F.R. § 1.183 To Accept Supplemental Declaration Without Inventors' Signature. Transmitted herewith is a copy of the petition and accompanying documentation. Also attached is a copy of a date-stamped postcard showing receipt of the petition in the Patent & Trademark Office on September 2, 2004. The petition fee has *already been charged* to undersigned's deposit account.

Applicants respectfully request a timely consideration and grant of the attached petition. If any issues or questions arise, please contact Applicants' below signed representatives. As noted, applicants believe that the required petition fee has already been charged. However,

Application No.: 09/954,526

Petition under 37 C.F.R. § 1.183

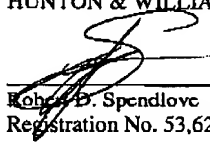
Att. Docket No.: 54525.000055

should any additional fees be due, the Commissioner is authorized to debit such fees from the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

Dated: Dec 6, 2004

By: _____


Robert D. Spendlove
Registration No. 53,629

For: Christopher C. Campbell
Registration No. 37,291

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)

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DEC 06 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 09/954,526

Applicant: James F. PITZEN, et al.

Filed: March 5, 2001

Title: A Combination Rechargeable,
Detachable Battery System and
Power Tool

Art Unit: 1745

Examiner: John S. Maples

Attorney Docket No.: 54525.000055

**SUPPLEMENTAL
REPLY TO FINAL
OFFICE ACTION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

A final action was mailed in the above-referenced utility patent reissue application on June 17, 2004. On August 25, 2004, Applicants filed an amendment under 37 C.F.R. § 1.116. Applicants believe that all pending claims are now allowable.

In accordance with 37 C.F.R. § 1.178, the original patent, No. 5,792,573, is herewith submitted.

Additionally, Applicants submit, herewith, a petition pursuant to 37 C.F.R. § 1.183 and in accordance with MPEP §1414.01, to suspend the rules and accept a Supplemental Declaration for Reissue Patent Application without the inventors' signatures. Accordingly, Applicants have complied with the requirements of 37 C.F.R. § 1.175(b)(1).

Application No.: 09/954,526
Atty. Docket No.: 54525.000055

Reply to Office action of June 17, 2004

Applicants believe that all requirements have now been met and that the above captioned reissue application is in condition for allowance. Applicants respectfully solicit timely allowance of this application.

No fee is believed to be due in conjunction with this reply. However, the Commissioner is authorized to debit any fee due in relation hereto from the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: 9/2/2004

By: Christopher C. Campbell
Christopher C. Campbell
Registration No. 37,291

Hunton & Williams
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 09/954,526

Applicant: James F. PITZEN, et al.

Filed: March 5, 2001

Title: A Combination
Rechargeable, Detachable
Battery System and Power
Tool

Art Unit: 1745

Examiner: John S. Maples

Attorney Docket No.: 54525.000055

TRANSMITTAL LETTER

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentee is transmitting herewith the following documents:

- [X] Supplemental Reply to Final Office Action;
- [X] Petition Under 37 C.F.R. § 1.183 To Accept Supplemental Declaration Without Inventors' Signature;
- [X] Original Letters Patent for U.S. Patent No. 5,792,573;
- [X] The Commissioner is hereby authorized to charge a total of \$130.00 to Deposit Account No. 50-0206.
- [X] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-0206.

Application No.: 09/954,526
Atty. Docket No.: 54525.000055

Petition under 37 C.F.R. § 1.183

[X] Green card to be date-stamped and returned.

Respectfully submitted,
HUNTON & WILLIAMS

Dated: 2/2/2004

By: Christopher C. Campbell
Christopher C. Campbell
Registration No. 37,291

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)

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DEC 06 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20531
www.uspto.gov

APR 23 2002

Paper No. 4

Hunton & Williams
Attn Patrick A Doody
1900 K Street NW
Washington, DC 20006

COPY MAILED

APR 16 2002

In re Application of
Pitzen et al.
Application No. 09/954,526
Filed: March 5, 2001
Attorney Docket Number: 54525.000055

OFFICE OF PETITIONS

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(b)

This is in response to the petition for status under 37 C.F.R. §1.47(b), filed January 4, 2002.

The petition is **GRANTED**.

The above-identified application was filed on March 5, 2001, without an executed oath or declaration. Accordingly, on November 5, 2001, a Notice to File Missing Parts of Application - Filing Date Granted was mailed, requiring applicant to submit an executed oath or declaration, and pay a surcharge for late filing.

REVIEWED
SORD

In response, on January 4, 2002 applicant filed:

- a declaration of Patrick A. Doody, attorney of applicant,
- assignment documents between 3M and Linvatec,
- documents to establish ownership of invention,
- correspondence with non-signing inventors,
- declaration and power of attorney signed by Patrick Doody on behalf of Linvatec Corporation, (assignee),
- the surcharge under 1.16(e) for late filing, and
- a petition (and fee) under §1.47(b).

Applicant has satisfied the requirements of §1.47(b)¹. Applicant, by declaration of persons with first hand knowledge and documentary evidence, demonstrated that the non-signing inventors have been presented with a copy of the application papers for signature and that they have refused by their conduct to sign the declaration. Applicant submitted a declaration signed by Patrick A. Doody, attorney for assignee Linvatec Corporation. This declaration has been reviewed and is found in compliance with 1.63, 1.64 and 1.175. Applicant paid the petition fee and included a statement of the non-signing inventors' last known address in the petition. The assignment agreement and documents which establish the chain of ownership establish the applicant's proprietary interest in the application. Applicant has also made a showing of irreparable harm.

This application is hereby accorded Rule 1.47(b) status.

¹ A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing of irreparable damage or the need to preserve the rights of the parties.

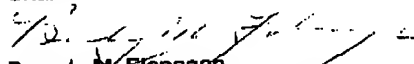
Application No. 09/954,526

Page 2

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1700 for further processing of the application.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

PTO/SB/51S (04-04)

Approved for use through 4/30/2007. OMB 0851-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**SUPPLEMENTAL DECLARATION
FOR REISSUE
PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT
(37 CFR 1.175)**

Attorney Docket Number	54525.000055
First Named Inventor	James F. Pitzen
COMPLETE	
Application Number	09/954,526
Filing Date	March 5, 2001
Art Unit	1745
Examiner Name	John S. Maples

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle (if any))		Family Name or Surname
James F.		Pitzen
Inventor's Signature		Date
Name of Second Inventor:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle (if any))		Family Name or Surname
Jeffrey D.		Smith
Inventor's Signature		Date
Name of Third Inventor:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle (if any))		Family Name or Surname
Charles E.		Alexson
Inventor's Signature		Date
Name of Fourth Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle (if any))		Family Name or Surname
Inventor's Signature		Date

☐ Additional inventors or legal representatives(s) are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.176. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UTILITY ☒DESIGN ☐

Application Serial No.: 09/954,526

Client/Matter: 54525.000055

Inventor: James F. FITZEN, et al.

Client: Porter-Cable

Filing Date: March 5, 2001

Atty/Sec.: CCC:RDS:mlr

Date: September 2, 2004

Title: "A COMBINATION RECHARGEABLE DETACHABLE BATTERY SYSTEM AND
POWER TOOL"The following has been received in the U.S. Patent and Trademark Office
on the date stamped hereon:

1. Transmittal Letter;
2. Supplemental Reply to Final Office Action;
3. Petition Under 37 C.F. R. § 1.183 to Accept Supplemental Declaration With
Inventors' Signature;
4. Original Letters Patent for U.S. Patent No. 5,792,573; and
5. Green Card to be date-stamped and returned.

